

Providence City Planning Commission Agenda
Providence City Office Building, 15 South Main, Providence UT 84332
July 27, 2016 6:00 p.m.
Anyone interested is invited to attend.

Selection of Vice Chair:

The Providence City Planning Commission will select a vice chair.

Approval of the Minutes:

Item No. 1. The Providence City Planning Commission will consider for approval the minutes of July 13, 2016.

Public Hearing (6:00 PM)

Prior to making a recommendation on proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words "city administrator" to "administrative services director", the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

Action Items:

Item No. 1. Proposed Code Amendments: The Providence City Planning Commission will consider for recommendation proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words "city administrator" to "administrative services director".

Item No. 2. Amended Final Plat: The Providence City Planning Commission will consider for approval an amended plat of Lots 4 & 5 of Edgehill Drive Estates and Lot 34 of East Edgehill Estates Phase 2; eliminating Lot 5 and absorbing a portion of the lot into Lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill Drive Estates.

Item No. 3. Exception to 11-5-7:A. Warranty Bond: The Providence City Planning Commission will consider for recommendation to City Council a request for an exception to Providence City Code 11-5-7:A. Warranty Bond, requested by Stan Checketts.

Study Items:

Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss a plan/schedule to review the various elements and aspects of the Providence City general plan.

Item No. 2. Proposed Master Plan Sheet No 5-B Amendment: The Providence City Planning Commission will discuss amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts within the Providence City Corporate limits.

Reports:

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on July 25, 2016.


Skarlet Bankhead
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

Providence City Planning Commission Meeting Minutes
Providence City Office Building
15 South Main, Providence UT 84332
July 13, 2016 6:00 p.m.

Chairman: Robert James
Commissioners: Rowan Cecil, Michael Harbin, John Parker, Wendy Simmons
Alternate: Andrea Diamond

Approval of the Minutes:

Item No. 1. The Providence City Planning Commission will consider for approval the minutes of June 22, 2016.

- These minutes will be continued to next meeting.

Item No. 2. The Providence City Planning Commission will consider for approval the minutes of June 29, 2016.

Attendance: Chairman is Robert James, A Diamond was also in attendance. J Drew was in attendance.

- Page 2, Line 5 and 6- rezoned SFT and one recommended SFL.

Motion to approve the minutes of June 29, 2016: W Simmons, second – J Parker

Vote: Yea: A Diamond, M Harbin, J Parker, W Simmons

Nay: None

Abstained: None

Excused: R Cecil

Item No. 3. The Providence City Planning Commission will consider for approval the minutes of July 6, 2016.

- Page 1, line 45 – resident Brent Frenz

Motion to approve the minutes of July 6, 2016: J Parker, second – M Harbin

Vote: Yea: A Diamond, M Harbin, J Parker, W Simmons

Nay: None

Abstained: None

Excused: R Cecil

S Bankhead swore in Andrea Diamond as an alternate member of the Planning Commission.

Public Hearing (6:00 PM)

Prior to making a recommendation to the City Council, the Providence City Planning Commission will hold a public hearing to provide an opportunity for anyone interested to comment on the proposed amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts within the Providence City Corporate limits.

- R James explained the purpose of this public hearing.
- Sharell Eames said that in city council it was said the general plan is a suggestion or a guideline.
- R James read from state code: *"After the legislative body has adopted a general plan, no street, park or other public way, ground, place or space or publicly owned building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized until and unless it conforms to the current general plan."*
- S Bankhead annotated previous statement as Utah Municipal Code 10-9a- 406.
- There was discussion on city council's role in following the general plan.

Rowan Cecil arrived at 6:15 pm.

- S Eames asked what role the general plan plays in approving subdivisions.
- R James said it gives guidelines as to how recommendations are passed up to the City Council from the Planning Commission. We should make recommendations according to the general plan.
- J Drew said part of the general plan process implies that it is a product of the community. The document is produced with the input of the public.
- S Bankhead said state code, city code and general plans are fluid documents. She asked the Planning Commission to consider a light industrial zone for possible future needs.

Motion to close the public hearing: W Simmons, M Harbin

Vote: Yea: A Diamond, M Harbin, J Parker, W Simmons

Nay: None

Abstained: None

Excused: R Cecil

Action Items:

1 Item No 1. Proposed Master Plan Sheet No 5-B Amendment: The Providence City Planning Commission will
2 consider for recommendation to the Providence City Council, approval of amendments to the Providence City
3 Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing
4 districts within the Providence City Corporate limits.

- 5 • A Diamond wanted to assure that as Providence develops, there are SFE zones that will attract developers
6 and home owners who desire nicer estate lots.
- 7 • R James said that even if an area is zoned SFL, they can put in acre lots. Most developers understand they
8 can go bigger.
- 9 • There was a lengthy discussion about the rezoning of the northeast corner of Providence that is currently
10 zoned AGR. Points of discussion included frontage requirements for SFE, lot size averaging, ability of
11 property owners to keep larger or smaller lots clean and tidy, storm water issues including curb, gutter
12 and sidewalk, etc. The pros and cons of leaving it ARG were discussed, as well as the possibility of
13 rezoning this section in the future. It was suggested that when developers see the zoning map, they will
14 know what is expected and will build to the expectations or vision for Providence City.
- 15 • Brent Fresz commented that frontage and infrastructure requirements, along with topography for SFE
16 would make it almost impossible for developers to make it work.
- 17 • Steve Jenson brought up the issue of lot size averaging.
- 18 • S Bankhead said there is a good reason it is in our ordinance. Some developments need it in order to build
19 out the lots in sensitive and hazardous areas. Lot size averaging applies in SFE, SFL and SFT.
- 20 • R James reminded the commissioners that this is a fluid document that can be changed in the future and
21 also that it is a plan for the long term development of Providence and how it should be zoned. It is not a
22 plan for today. He also reminded the Commission that an economic element also has to be addressed in
23 the general plan. That would give a much better insight as to what may be possible down the road.
- 24 • S Bankhead said you want to encourage development and when you start requiring large frontages that
25 adds a lot of expense because of infrastructure. If you are going to insist on large SFE lots then developers
26 have to be compensated somehow on infrastructure without compromising safety. You don't want to
27 drive developers away with steep demands on each lot. Also, we do have to have a moderate income
28 housing element, and it needs to be updated every two years.
- 29 • Todd Hendricks said the map shows plenty of development designated for SFT with very little SFE. ARG
30 needs to be designated SFE to keep people from selling off to developers who will want smaller lots. He
31 feels the moderate income zoning element is being met.
- 32 • S Bankhead said just because something is zoned SFT, doesn't make it affordable.
- 33 • S Jenson said if something is zoned SFE you have more leverage with the developer to provide parks and
34 recreation areas. If property is zoned smaller, you lose some leverage and negotiation power.
- 35 • S Bankhead said there is less clamor if someone asks for SFE or SFL than if someone asks for SFT, but the
36 point is nobody is rezoning anything. This is what we are *suggesting* as future rezones. The map is a plan,
37 but property is not zoned until it's zoned.
- 38 • R James asked if the commission wants to change the ARG in the upper east corner to SFE?
- 39 • J Drew said SFE with curb and gutter affects storm water. Developers look at the bottom line. Perhaps not
40 requiring curb and gutter in SFE would be a trade-off.
- 41 • S Bankhead said the transportation plan needs to be considered if you are going to start zoning SFE. You
42 have to allow the developer enough flexibility to put in infrastructure, safe streets, etc.
- 43 • There was continued discussion regarding the rezone of this area.
- 44 • J Parker said if it is left ARG, would it be easier to rezone at a future point?
- 45 • R James felt it wouldn't be difficult to rezone it.
- 46 • Cody Davis said he would like to see a study done showing just how much interest there really is in SFE
47 zones.

48 **Motion to recommend to city council that the property located at 400 East and 1000 South, commonly known as**
49 **the Baker property be changed from ARG to SFL on the future rezone map and continue discussion on the rest of**
50 **the map at a future meeting: M Harbin, second – R Cecil**

51 **Vote: Yea: R Cecil, A Diamond, M Harbin, J Parker, W Simmons**
52 **Nay: None**
53 **Abstained: None**
54 **Excused: None**

55 Item No. 2. Final Plat Approval: The Providence City Planning Commission will consider for approval the final plat
56 for Little Baldy Place Subdivision, a 37-lot residential subdivision located generally at 80 North Sherwood Drive.

- Michael Taylor, Civil Solutions, answered questions from the Planning Commission.
- R James questioned the intent of the potential 5' berm easement on the general notes.
- M Taylor said it is to catch storm water on those downhill lots on the west boundary.
- R James asked if catch basins are typically located on private lots and how they are protected and maintained. Does the City feel it is protected from at the risk level?
- S Bankhead said they are shown on the map as a buyer-beware condition. The basins are to protect the homes on those lots. In reality, it probably will never be checked, but this is a risk management to protect the city from potential risk as much as possible.
- R James asked about line item 23, construction of water tank and trail adjustments to skirt the eastern boundary of the Bonneville Shoreline Trail. Stan Checketts said he would hold that trail in place until the new trail was constructed.
- S Bankhead said it is in the Development Agreement and it will be required on the final plat.
- M Taylor said it is shown as a temporary easement on page 2.
- S Bankhead reviewed the Executive Staff Report for the final plat approval for Little Baldy Place

Subdivision:

- **Staff Report Summary of Key Issues:**

1. The minimum lot size in SFL is 20,500 sq. ft.
2. Providence City Code (PCC) 10-8-2 says: in areas that contain sensitive areas and hazard zoned (see Chapter 5 of this Title) Thirty percent (30%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than 12,000 sq. ft. in the subdivision and the frontage requirement at the setback line must be the minimum for the zone.
3. The minimum lot width at the setback line in a SFL zone is 100 ft. (see PCC 10-8-1: Area Regulations)
4. The Developer has provided results from a water model for the area and the pressures are adequate for fire flow requirements.
5. The Developer has agreed to dedicate the property for a water reservoir. (The developer has already had water transferred to a point of diversion that is located in Providence and it has been approved by state engineer for municipal use, but they will have to do the conveyance before we sign the final plat).

- **Findings of Fact:**

The following were used to review this plat:

1. PCC 10-5 Overlay Zones, including but not limited to:
 - a. PCC 10-5-2: Sensitive Areas
 - b. PCC 10-5-4: Hazard Slope Zone (HS)
 - c. PCC 10-5-6: Hazard Earthquake Primary Fault Zone (HE)
2. PCC 10-8: Area Regulations
3. PCC 11-3-3: Final Plat
4. PCC 11-4: Design Standards

- **Conclusions of Law:**

1. The final plat meets the above requirements with the following conditions:

- **Conditions:**

1. A statement from GeoStrata LLC verifying the April 23, 2008 Surface Fault Rupture Hazard Assessment must be submitted to the City.
2. Sheets 2 and 3 must be combined.
3. Remove the 40 PSI line.
4. The addresses must be added to the plat.
5. The constructions plans must be approved and signed by the City Engineer.
6. The development agreement must be approved by the City Council.
7. Developer continues to meet all relevant federal, state, and local rules, laws, ordinances, etc.
8. The City does not consider the final plat approved until the construction drawings are signed, the development agreement has been signed, and all signatures are on the final plat.

- **Recommendation:**

That the Planning Commission approves the attached final plat with the findings of fact, conclusions of law, and conditions listed above.

- S Bankhead pointed out that a number of lots in this subdivision are conditional use lots and will have to go through the CUP process before the owners can build.

Motion to approve the final plat for Little Baldy Place Subdivision located generally at 80 North Sherwood Drive with the conditions as shown on the Executive Staff Review, dated July 13, 2016, being met: J Parker, second – R Cecil

Vote: Yea: R Cecil, A Diamond, M Harbin, J Parker, W Simmons

Nay: None

Abstained: None

Excused: None

Study Items:

Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss a plan/schedule to review the various elements and aspects of the Providence City general plan.

- This item was continued to next meeting.

Item No. 2. Proposed Code Amendments: The Providence City Planning Commission will discuss proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative services director”.

- S Bankhead explained why this is before the Commission. A public hearing needs to be scheduled because it is a land use ordinance amendment.
- Public hearing will be scheduled for July 27, 2016.
- There will be another Planning Commission meeting scheduled for August 2nd at 5:00 pm to further discuss the zoning map.

Reports:

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

- No staff reports.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

- No commission report.

Motion to adjourn: R Cecil, second – M Harbin

Vote: Yea: R Cecil, A Diamond, M Harbin, J Parker, W Simmons

Nay: None

Abstained: None

Excused: None

Meeting adjourned at 8:30 pm.

Minutes recorded and prepared by C Craven.

Robert James, Chairman

Caroline Craven, Secretary



Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435) 753-1586

PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type:	Code Amendment
Applicant:	Providence City Council
Project Location/Description:	Proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words "city administrator" to "administrative services director".
Hearing Date:	07/27/2016
Hearing Time:	6:00 PM
Hearing Location:	Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words "city administrator" to "administrative services director", the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,


Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): July 16, 2016

Posting Date:

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website www.providencacity.com
3. Utah Public Notice Website

2-1-3: PLANNING COMMISSION STAFF - ORGANIZATION:

A. The Planning Commission shall have the following staff:

1. Administrative Director. The Administrative Director to the Planning Commission shall be the ~~City Administrator~~ **Administrative Services Director** or her/his designee.
 - a. Duties of Administrative Director. The Administrative Director shall be responsible for providing staff services to the Planning Commission as provided in Titles 2, 10 and 11 of the Providence City Code within the provision of budget authority appropriated by the Providence City Council.

2-4-1: ESTABLISHED: There is created a Land Use Authority which shall consist of the Planning Commission for all subdivisions; and a body, Administrative Land Use, to include the ~~City Administrator~~ **Administrative Services Director**, Public Works Director, and City Engineer for all other land use applications.

2-4-2: ORGANIZATION: The Planning Commission shall appoint a chairperson and the ~~City Administrator~~ **Administrative Services Director** shall serve as the chairperson of their respective Land Use Authorities. Public meetings and hearings of the Authority shall be held at the call of the chairperson.

10-15-7: PENALTY, CONFISCATION OF SIGNS:

- A. Penalty: Any person who fails to abide by the provisions of this Chapter shall be guilty of a Class C misdemeanor and subject to penalty as provided in Title 1 Chapter 4 Section 1 of this Code.
- B. Confiscation of Signs: The ~~City Administrator~~ **Administrative Services Director**, or designee, may confiscate any sign located on public property in violation of this Chapter or any other City ordinance. Confiscated signs shall be stored at a location determined by the ~~City Administrator~~ **Administrative Services Director**, or designee, for a period of thirty (30) days; during which time, the owner or person having charge, control, or benefit of the confiscated sign, may redeem the sign after payment of any applicable penalties. The City shall not be liable for damages incurred to signs as a result of their confiscation. Signs not redeemed within thirty (30) days may be destroyed.

10-16-5: PERMIT REQUIRED:

- B. The Land Use Authority (made up of the ~~City Administrator~~ **Administrative Services Director**, City Engineer, and Public Works Director) as defined by Title 2 Chapter 4 is hereby designated the Floodplain Manager to administer and implement the provisions of this Chapter; ensure that the City's Records Officer maintains and holds open for public inspection a record of all records pertaining to the provisions of this Chapter; review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding; and review, approve or deny all applications for development permits required by this Chapter. Approval or denial of a Permit shall be based on all of the provisions of this Chapter and the following relevant factors:

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the city executive staff (which may include the ~~city administrator~~ **administrative services director**, public works director, city engineer, public works secretary, zoning personnel, mayor and council member) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

Background for Planning Commission

Request: Amend Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative services director”

Item Type: Code Amendment

Applicant: Providence City Council

Prepared by: S Bankhead

Staff Report Summary of Key Issues:

1. In April 2016, the City Council made changes to the administrative structure of the City.
2. On April 26, 2016, the Providence City Council adopted Ordinance No. 2016-009. An ordinance establishing a temporary land use regulation for the administration of land use ordinances, changing “city administrator” to “administrative services director”.
3. A temporary land use regulation has a period of limited effect not to exceed six months. See UCA§10-9a-504(2)

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. **UCA § 10-9a-102 Purposes -- General land use authority.**
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state’s agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner’s private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
3. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
4. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission’s recommendation.
5. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

CONCLUSIONS OF LAW:

1. The proposed code amendment has been processed consistent with the above Findings of Fact.

CONDITIONS:

1. None

RECOMMENDATION:

That the Providence City Planning Commission make a recommendation to the Providence City Council, that they adopt the attached code amendment to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative services director”

2-1-3: PLANNING COMMISSION STAFF - ORGANIZATION:

- A. The Planning Commission shall have the following staff:
 - 1. Administrative Director. The Administrative Director to the Planning Commission shall be the ~~City Administrator~~ **Administrative Services Director** or her/his designee.
 - a. Duties of Administrative Director. The Administrative Director shall be responsible for providing staff services to the Planning Commission as provided in Titles 2, 10 and 11 of the Providence City Code within the provision of budget authority appropriated by the Providence City Council.

2-4-1: ESTABLISHED: There is created a Land Use Authority which shall consist of the Planning Commission for all subdivisions; and a body, Administrative Land Use, to include the ~~City Administrator~~ **Administrative Services Director**, Public Works Director, and City Engineer for all other land use applications.

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10-16-5: **PERMIT REQUIRED:**

- B. The Land Use Authority (made up of the ~~City Administrator~~ **Administrative Services Director**, City Engineer, and Public Works Director) as defined by Title 2 Chapter 4 is hereby designated the Floodplain Manager to administer and implement the provisions of this Chapter; ensure that the City's Records Officer maintains and holds open for public inspection a record of all records pertaining to the provisions of this Chapter; review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding; and review, approve or deny all applications for development permits required by this Chapter. Approval or denial of a Permit shall be based on all of the provisions of this Chapter and the following relevant factors:

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the city executive staff (which may include the ~~city administrator~~ **administrative services director**, public works director, city engineer, public works secretary, zoning personnel, mayor and council member) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

**PROVIDENCE CITY
Executive Staff Review**

Request: Approval of an amended plat of Lots 4 & 5 of Edgehill Drive Estates and Lot 34 of East Edgehill Estates Phase 2; eliminating Lot 5 and absorbing a portion of the lot into Lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill Drive Estates.

Item Type: Amended Final Plat

Applicant: Kory Smith and Josh Maughan

Agent: Danny Macfarlane

Prepared by: S Bankhead

General Plan: SFT

Zone: SFT

Parcel ID #(s): 02-222-004, 02-222-0005, 02-186-0034

Address: 292 East Edgehill Drive

Number of Properties: 3
Proposed Lots: 2

Background Information:

1. Kory Smith and Josh Maughan would like to eliminate Lot 5 (292 East Edgehill Drive) and absorb a portion of the lot into Lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill Drive Estates.
2. Vacating public utility easements on the east and west sides of Lot 5 is being considered by the City Council on July 26, 2016.

FINDINGS OF FACT:

1. UCA § 10-9a-608 lists the requirements for vacating, altering, or amending a subdivision plat.

CONCLUSIONS OF LAW:

1. Executive Staff feels the proposed amended final plat meets the requirements of UCA § 10-9a-608 with the following conditions:

CONDITIONS:

1. The City Council approving the vacation and relocations of the public utility easements.
2. An amended final plan is prepared for signature and recorded at the office of the Cache County Recorder.
- 3.

RECOMMENDATION:

The executive staff has reviewed the request; and recommends that the Planning Commission approve the amended final plat of Lots 4 & 5 of Edgehill Drive Estates & Lot 34 of East Edgehill Estates, Phase 2 according to the Findings of Fact, Conditions of Law, and Conclusions listed above.

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council		
Annexation	Exception to Title	Rezone
Code Amendment	<u>Final Plat</u> (Amended)	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal		Variance

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES.
THESE WILL BE BILLED SEPARATELY.**

Applicant's Name:	KORY SMITH & JOSH MAUGHAN		
Address:	540 W. GOLF COURSE ROAD SUITE B1 PROVIDENCE, UT 84332		
Phone(s):	435.760.7488	Fax:	E-Mail: danny@civilsolutionsgroup.net

Party Responsible for Payment:	KORY SMITH & JOSH MAUGHAN		
Billing Address:	540 W. GOLF COURSE ROAD SUITE B1 PROVIDENCE, UT 84332		
Phone(s):	435.760.7488	Fax:	E-Mail: danny@civilsolutionsgroup.net

Property Owner's Name (how it appears on a legal document):		
KORY & KRISTY SMITH (LOT 34), JOSHUA MAUGHAN (LOT 5), SOUTHEAST HOLDINGS (LOT 4)		
Address:		
Phone(s):	Fax:	E-Mail:

Architect/Engineer/Surveyor's Name: CIVIL SOLUTIONS GROUP		
Address:		
Phone(s):	Fax:	E-Mail:

Cache County Property Number(s):	02-222-0004, 0005, 02-186-0034	
Total Acreage:	Project Name:	
City Address of Project (if applicable): 300 E EDGETT DRIVE.		

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant:

Date: 6/29/14.

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:

Providence City,

Kory Smith and Josh Maughan would like to eliminate lot 5 of Edgehill Drive Estates and absorb a portion of the lot into lot 34 of East Edgehill Drive Estates and the other portion in lot 4 of Edgehill Drive Estates. This is the letter petitioning that request.

Thanks,

Danny Macfarlane, PE

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council		
Annexation	<input checked="" type="checkbox"/> Exception to Title	Rezone
Code Amendment	<input type="checkbox"/> Final Plat	Right-of-way Vacation
Concept Plan	<input type="checkbox"/> General Plan Amendment	Site Plan
Conditional Use	<input type="checkbox"/> Preliminary Plat	
Appeal Authority		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Variance	

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES.
THESE WILL BE BILLED SEPARATELY.**

Applicant's Name:	STAN Checketts		
Address:	805 E Canyon Rd PRAY		
Phone(s):	435-757-4987	Fax:	
		E-Mail:	

Party Responsible for Payment:	SAME		
Billing Address:			
Phone(s):	Fax:	E-Mail:	

Property Owner's Name (how it appears on a legal document):			
Address:	SAME		
Phone(s):	Fax:	E-Mail:	

Architect/Engineer/Surveyor's Name:			
Address:			
Phone(s):	Fax:	E-Mail:	

Cache County Property Number(s):			
Total Acreage:	Project Name:		
City Address of Project (if applicable):			

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant:

Date:

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:



For the Little Baldy
Subdivision, I have the funds
available to the City for
\$2,640,000⁰⁰. The cost
plus 10%.

I would like to
discuss with the Council
the warranty bond.

Charles Shaw



Part 4 General Plan

10-9a-401 General plan required -- Content.

- (1) In order to accomplish the purposes of this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:
 - (a) present and future needs of the municipality; and
 - (b) growth and development of all or any part of the land within the municipality.
- (2) The plan may provide for:
 - (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) the protection or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
 - (j) an official map.
- (3) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-402 Information and technical assistance from the state.

Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
- (2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

Amended by Chapter 382, 2008 General Session

10-9a-403 Plan preparation.

- (1)
 - (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
 - (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

- (c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.
 - (d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.
- (2)
- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
 - (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
 - (iii) for cities, an estimate of the need for the development of additional moderate income housing within the city, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
 - (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live there; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 - (G) consider utilization of affordable housing programs administered by the Department of Workforce Services.

- (c) In drafting the land use element, the planning commission shall:
 - (i) identify and consider each agriculture protection area within the municipality; and
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
 - (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
 - (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation;
 - (ii) the diminution or elimination of blight; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
 - (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
 - (e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
 - (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2); and
 - (g) any other element the municipality considers appropriate.

Amended by Chapter 212, 2012 General Session

10-9a-404 Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

- (1)
 - (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
 - (b) The planning commission shall provide notice of the public hearing, as required by Section 10-9a-204.
 - (c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
- (2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

- (3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.
- (4)
 - (a) The municipal legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the municipal legislative body considers appropriate.
 - (b) If the municipal legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.
- (5) The legislative body shall adopt:
 - (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);
 - (b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii); and
 - (c) for all cities, after considering the factors included in Subsection 10-9a-403(2)(b)(ii), a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-405 Effect of general plan.

Except as provided in Section 10-9a-406, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

Enacted by Chapter 254, 2005 General Session

10-9a-406 Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-407 Effect of official maps.

- (1) Municipalities may adopt an official map.
- (2)
 - (a) An official map does not:
 - (i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
 - (ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.
 - (b) This section does not prohibit a municipality from:
 - (i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 10-9a-508;
 - (ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
 - (iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section 10-9a-508.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-408 Biennial review of moderate income housing element of general plan.

- (1) The legislative body of each city shall biennially:
 - (a) review the moderate income housing plan element of its general plan and its implementation;
and
 - (b) prepare a report setting forth the findings of the review.
- (2) Each report under Subsection (1) shall include a description of:
 - (a) efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - (b) actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing;
 - (c) progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing; and
 - (d) efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.
- (3) The legislative body of each city shall send a copy of the report under Subsection (1) to the Department of Workforce Services and the association of governments in which the city is located.
- (4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Amended by Chapter 212, 2012 General Session

